

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

DRAFT TENTATIVE ORDER

SITE CLEANUP REQUIREMENTS AND RECISSION OF ORDER NOS. 95-235, 97-124 and 97-125

CITY OF RICHMOND

UNITED STATES DEPARTMENT OF DEFENSE, DEPARTMENT OF THE NAVY,

FOR:

FORMER POINT MOLATE NAVAL FUEL DEPOT
RICHMOND, CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board) finds that:

1) INTRODUCTION:

Point Molate Naval Fuel Depot (Point Molate NFD) is a former military installation located adjacent to San Francisco Bay in the City of Richmond (City), Contra Costa County. Point Molate NFD consists of approximately 413¹ acres of which approximately 373 acres were transferred to the City in September 2003. The remaining approximately 40 acres (the Early Transfer Property) are being considered for early transfer after completion of a Finding of Suitability for Early Transfer (FOSET).

This Order applies to the cleanup criteria for the entire 413 acre facility. Residual contamination from former military operations necessitates removal of predominately hydrocarbon wastes and soils impacted by those wastes, soil and groundwater remediation, groundwater monitoring and adoption of institutional controls, to assure that the proposed cleanup is consistent with the intended uses of the facility while being protective of human health and the environment. Many, but not all, of the required environmental actions have already been completed by the Navy under the Board Orders 95-235, 97-124 and 97-125.

For the environmental cleanup of the Early Transfer Property the Navy and City will enter into an Early Transfer Cooperative Agreement (ETCA), separate from this Order, that provides funding to the City to address the cleanup activities required under this Order. Thereafter, pursuant to a separate agreement and subject to all required City review and approvals, the City intends to transfer the Early Transfer Property to Upstream Point Molate, LLC and its project joint venture group, Winehaven Partners, LLC (collectively Upstream/Winehaven) before all remedial activities have been completed for purposes of redevelopment. Completion of those remedial

¹ The acreage reported to this Board is an estimate and is not intended to represent the actual measured size of the property. For the purpose of this document the estimate of acreage is within +/- 5% accuracy.

activities at the Early Transfer Property will be performed by using a combination of private funding and federal funding from the Navy. The purpose of this Order is to ensure that cleanup of the entire Point Molate NFD is performed and completed to protect the environment and human health.

With adoption of this Order, the Board will continue as lead state regulatory agency status for the implementation of the remediation activities and for any additional environmental remedies needed during the course of redevelopment of Point Molate NFD.

2) NECESSITY FOR AND EFFECT OF ORDER:

The Early Transfer Property is subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) due to the existence of limited CERCLA hazardous substances and cannot be transferred without implementation of all remedial actions unless the Governor of the State of California finds, among other things, that the deed or other agreement governing the early transfer contains “assurances that provide that all necessary response actions will be taken and identify the schedules for investigation and completion of all necessary response action as approved by the appropriate regulatory agency.” (42 U.S.C. section 120(h)(3)(C)). This Order sets forth the framework and schedule for investigating and completing all necessary response actions. The agreements between the Navy and the City require compliance with the provisions of this and future Board Orders to achieve completion of all necessary response actions. This Order also governs the cleanup of the remaining Point Molate NFD and rescinds prior orders.

3) SITE DESCRIPTION:

Point Molate NFD is a former Navy facility which has been inactive and in closure status since 1995. The facility is located on the eastern shore of San Francisco Bay, about one mile north of the Richmond-San Rafael Bridge in the City of Richmond (Figure 1). The facility encompasses approximately 413 acres with topography varying from flat lying, reclaimed tidal marsh along the bay front to steep hills rising to an elevation of more than 500 feet. The facility is bordered on the north by property owned by the City. Property on the south and east boundaries of the facility is property owned by the Chevron Corporation and San Francisco Bay borders the western boundary. Approximately 100 acres of the facility are submerged lands.

4) PROPERTY TRANSFER:

The Navy designated the Point Molate NFD for closure under the fourth round of the Base Realignment and Closure (BRAC) Program on September 30, 1995. In 2003, the Navy transferred approximately 373 acres of the 413-acre facility to the City. This primarily included the hillsides where large underground fuel storage tanks are located and some portions of the shoreline as well as the offshore area. The remaining 50 acres, which were not ready for transfer in 2003, include areas referred to as the Site-3 former waste water treatment pond (Site-3), the Site-1 landfill, and the Site-4 Drum lots 1 and 2. In a letter dated November 18, 2004, the City initiated the request for the early transfer of the remaining 50-acre Navy-owned property.

The Early Transfer Property will be disposed of to the City under the authority of § 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102-484; 106 Statute 2614), as amended, and the National Defense Authorization Act for Fiscal Year 1996 (§ 2867 of Public Law 104-106 dated February 10, 1996). The proposed transfer of Point Molate NFD is commonly referred to as “an early transfer with privatized remediation.” After completion of the City’s environmental review process and after deed transfer of the 50-acre parcel from the Navy, the City intends to transfer the property for redevelopment and reuse.

5) NAMED DISCHARGERS:

a) The City is named as Discharger because it owns approximately 373 acres of the Point Molate NFD which contain wastes that have yet to be fully remediated. The City is also named as discharger because as the proposed owner of the Early Transfer Property prior to full remediation, it will have control of the property in a condition which threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance. The City does not dispute its liability as the proposed owner of the Early Transfer Property and has through the ETCA secured critical Navy funding to cleanup the property. The City will enter into a separate agreement with Upstream/Winehaven whereby Upstream/Winehaven will perform the City’s obligations under this Order. If and when the City of Richmond transfers the property to Upstream Point Molate, LLC and Winehaven Partners LLC, this Order will be amended to add them as a named Discharger.

b) The Navy is named as a discharger because it owns, owned, and operated the entire Point Molate NFD and caused or permitted waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance. The Navy is required to comply with State laws concerning the removal and remediation at facilities owned and operated by it under CERCLA section 120(a)(4). The Navy is also required to remediate hazardous substances releases from any facility or site owned by it under Defense Environmental Restoration Program, 10 U.S.C. section 2700 et seq. The Board acknowledges that pursuant to the ETCA, the Navy and City have agreed that the City will implement and/or ensure implementation of this Order for both the Early Transfer Property and the 373 acres previously transferred.

In the event that the City and/or its successors-in-interest fail to implement and comply with this Order, the Navy remains liable for compliance as a named discharger to achieve regulatory closure for the waste it discharged. The Water Board agrees that in the event of default by the City, the Navy may at its discretion, propose and implement a different set of plans that are subject to public and regulatory agency review and approval, for response actions or corrective actions than that submitted by the City and approved by the Water Board and which will achieve regulatory closure of the property and allowing commercial and industrial use of the facility that ensures no discharges of waste into waters of the State and includes adequate source removal, provided that such plans do not substantially delay cleanup. The Water Board will revise this Order to accommodate any such different set of plans.

c) The City and Navy are hereinafter collectively referred to as Discharger.

6) SITES OF HISTORIC SIGNIFICANCE:

Portions of the Facility have been nominated to the National Register of Historic Places, specifically the historic Winehaven Buildings and residential complex which incorporate approximately 100 acres of land. Any tasks that will directly or indirectly affect this historic district will require compliance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980, in accordance with the regulations for the protection of historic properties (36 CFR Part 800). The existing agreement between the City of Richmond and Upstream requires treatment of the on-site historic resources to meet or exceed standards set by the U.S. Secretary of Interior.

7) FACILITY HISTORY:

- a) The Navy established the Point Molate NFD in the early 1940s. Over 40 million gallons of fuel and oil were stored in 20 underground tanks, each having a capacity of approximately two-million gallons. The tanks average a diameter of about 100 feet and a depth of 20 feet, consisting of a single concrete vault built into the hillside and covered by fill. The facility configuration, as it exists today, is largely similar to what was in place by November 1960.
- b) Several fuel types were stored in the tanks over the years. Navy Special Fuel Oil (NSFO), a black viscous bunker fuel, diesel fuel, F-76 (marine diesel), JP-5 (jet turbine fuel), aviation gasoline as well as motor vehicle gasoline were stored in the tanks. The facility also operated a sanitary sewer system and a ballast water fuel reclamation/treatment system. The fuel reclamation/treatment system incorporated the three former treatment ponds which are discussed in greater detail below. Those three ponds were built on the site of a larger single pond which was used for the disposal of oily waste water from various facility activities.
- c) The facility has been shut down as of September 30, 1995, and has undergone closure under the Base Realignment And Closure (BRAC) Act.

8) SITE GEOLOGY:

The facility is situated on the western side of Potrero Hills which form a peninsula projecting into San Francisco Bay. Potrero Hills is composed of fractured, fine to medium grained sandstones and siltstones of Franciscan Jurassic-Cretaceous age (~150 million years ago) formations. The site is 5 miles west of the Hayward Fault and just east of the projected San Pedro-San Pablo Fault. Bay mud overlays the Franciscan Formation along the shoreline. During the past fifty years, the bay inter-tidal mud flats have been artificially filled to create the low-lying flat areas of the facility.

9) HYDROGEOLOGY:

The facility is located in the Central groundwater basin as designated by the Department of Water Resources. The site is predominantly bedrock overlain by a thin mantle of colluvium (loose deposits of slope debris). Groundwater primarily flows via this mantle and discharges to the bay. A relatively minor amount of groundwater is transmitted by the bedrock. It is therefore reasonable to assume that a majority of pollutant transport occurs in this colluvium mantle. The groundwater at this site is not a drinking water source, although it could be used for either dust control or watering vegetation after treatment.

10) KNOWN AREAS OF CONTAMINATION:

There are four areas of concern (See Figure 2) which may present a continued source of pollution to the area. All of these areas are subject to groundwater monitoring at this facility.

- a) **Site-1 Landfill** – Waste from the facility generated during Base operations was disposed of in a steep ravine area known as Site-1. The thickness of the waste may extend as much as 50 feet below the present ground surface. VOCs, SVOCs, pesticides, jet fuel, diesel, motor oil, and drums have all been documented to be in the landfill waste. Pursuant to a 2005 Record of Decision the waste was capped with a soil cover and groundwater monitoring is being conducted to confirm waste containment. This Order imposes long-term monitoring and maintenance for the Site-1 landfill.
- b) **Site-3 Treatment Pond Area** – At the time the Navy began operations at the facility in 1942, Site-3 was a single pond formed by diking off a small embayment just west of the historic Winehaven Building. The pond was approximately ten to eleven acres in surface area, used to capture oily waste from the Facility's operations. In 1973 the pond was reconfigured to three smaller ponds with its use continuing as a site for treatment of oily waste water from the Facility. In 1991 oil was observed in a segment of San Francisco Bay located adjacent to the ponds and was determined to be coming from the waste oil and sludge deposited within the impoundments. In 1995 the Navy installed a subsurface extraction trench along the shoreline to capture oil-contaminated groundwater as an emergency and interim remedy. The result of that remedy was that additional oily discharge was stopped. In 2003, the impoundments were removed from service and backfilled after removing the contaminated material to a depth of ten feet below ground surface. During this period the groundwater extraction treatment system continued to operate. A more permanent remedy is anticipated, however, which will cleanup Site-3 to a level in which further discharge will not occur nor for which continued groundwater pumping will be required. This Order requires development of more specific remedial plans for source removal that would allow for the reduction of or eventually eliminate the need for long-term monitoring requirements.
- c) **Site-4, Drum Lot 1** – This area is directly south of Site-3. Contamination is generally hydrocarbon related. Groundwater may continue to be impacted from historic discharges at this site although at concentrations below the approved clean up goals. Long-term monitoring and a soil management plan, required as part of this Order, will assure that any new discoveries will be cleaned up to acceptable standards. Site-4 also includes Drum Lot 2 described below.
- d) **Site-4, Drum Lot 2** – This area is situated at the southern end of the facility. Drums of liquid product were historically stored here. Groundwater monitoring as well as soil and soil-gas data indicates that trichloroethylene (TCE) is present in soils and groundwater, although of relatively minor extent. The concentrations observed are as high as approximately 400 ug/L (MW29-01, October 2007). This Order describes Tasks to address this contamination.
- e) **UST Area** – Large underground petroleum storage tanks (USTs) for this facility are located on the hillsides of the site. Soil and groundwater contamination detected adjacent to the USTs and valve boxes are the result of historic spillage and leakage. Free-phase product has been observed at some UST locations. However, those observations are generally limited in extent. As of May 2008, the Water Board had granted environmental closure for 9 of 20 USTs (Tanks 1, 7, 9, 10, 11, 14, 16, 17, and 20) because the contamination observed was less than the site specific cleanup goals developed for this facility (discussed below). The Navy intends to

submit all environmental tank reports to the Water Board prior to early transfer; however, not all tanks will be ready for closure at that time. The ETCA contains provisions and funding for the City and Upstream/Winehaven to complete the regulatory closure of all remaining USTs. Routine monitoring and maintenance of the remaining tanks will continue beyond early transfer. This Order requires tasks for closing the remaining USTs.

11) CLEANUP LEVELS:

The Navy submitted a Fuel Product Action Level report, dated August 31, 2001, (the FPAL report) which specifies soil and groundwater pollutant concentrations safe to leave without further remedial action based on restricted commercial and industrial land use. The FPAL report incorporates findings from Ecological Risk Assessment and a Human Health Risk Assessment studies for this site. The report establishes fuel cleanup levels based upon depth below ground surface and distance away from the Bay for different land use scenarios, including residential uses. However, the FPAL report does not address cleanup levels at or below the groundwater table. Tasks of this Order require establishment and approval of groundwater cleanup levels for all land use scenarios and protective of Human Health and the Environment.

12) CONCEPTUAL SITE-3 CLEANUP PROPOSAL

This Order specifically requires a cleanup of the facility protective of the environment and the expected reuses of the facility but does not impose a specific method of compliance. However, the Navy has described a cleanup approach within the Finding of Suitability for Early Transfer document (FOSET). While the conceptual approach proposed should remove most mobile petroleum sources, this Order will require verification that the cleanup has eliminated any threat to Human Health or the Environment as a result of a potential release of any residual pollution from the facility.

13) OFFSHORE SEDIMENT INVESTIGATIONS:

The Navy submitted a Final Offshore Ecological Risk Assessment Report dated November 24, 1999, which evaluates soil and sediment chemical data along the shoreline down gradient of Site-3. Findings from this report are incorporated into the Facility's Cleanup Criteria.

14) HUMAN HEALTH RISK ASSESSMENT:

The Navy submitted the Site-4 Human Health and Environmental Risk Assessment Report, dated March 2003. Findings from this report are incorporated into the Facility's Cleanup Goals.

15) LAND USE CONTROLS

Interim Land Use Controls (LUCs) will be developed for areas of the site undergoing remediation. The Interim LUCs protect the public during the completion of site remediation activities and provide for the necessary access to complete those activities. In addition, the Interim LUCs will include provisions for their removal after completion of remediation measures for each affected area of the site. In some cases, the Interim LUCs may need to be replaced by Final Land Use Controls as appropriate, depending on the scope of each proposed cleanup action

for areas of the site which do not meet unrestricted use standards. The Discharger will propose such Final LUCs for Regional Board review and approval after an acceptable remedy has been successfully completed pursuant to this Order.

16) STATE WATER RESOURCES CONTROL BOARD RESOLUTION:

- a) **State Board Resolution No. 68-16:** "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Non-background cleanup levels must be consistent with the maximum benefit to the people of the state, not unreasonably affect present and anticipated beneficial uses of such water and not result in exceedance of applicable water quality objectives.
- b) **State Board Resolution No. 92-49:** "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304", applies to this discharge. This Order and its requirements are consistent with the provisions of Resolution No. 92-49.

17) REGIONAL WATER QUALITY CONTROL BOARD RESOLUTIONS:

- a) **Regional Board Resolution No. 88-160:** On October 19, 1988, the Regional Board adopted Resolution No. 88-160, "Regional Board Position on the Disposal of Extracted Groundwater from Groundwater Cleanup Projects". The Resolution strongly encourages the reclamation of extracted groundwater from groundwater cleanup projects to the extent technically and economically feasible. Direct discharge to surface water are authorized only when the Regional Board finds "neither reclamation nor discharge to POTW is technically and economically feasible".
- b) **Regional Board Resolution No. 89-39:** The Board adopted Resolution No. 89-39, "Incorporation of 'Sources of Drinking Water' Policy into the Water Quality Control Plan" on March 15, 1989. This policy considers "all surface and ground waters of the State to be suitable, or potentially suitable, for municipal or domestic water supply" unless where "the total dissolved solids (TDS) exceed 3,000 mg/l" and "the water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day".

18) BASIN PLAN:

The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) dated December 22, 2006. This updated and consolidated plan represents the Board's master water quality control planning document. A summary of regulatory provisions is contained in Title 23 of the California Code of Regulations at Section 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and ground water.

19) BENEFICIAL USES - SURFACE WATER:

The existing and potential beneficial uses of the contiguous surface water (San Francisco Bay) adjacent to the Facility include:

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|----------------------------------|--|
| a. Commercial and sport fishing; | g. Preservation of rare and endangered species |
| b. Estuarine habitat; | h. Water contact recreation; |
| c. Industrial service supply; | i. Non-contact water recreation; |
| d. Fish migration; | j. Shellfish harvesting; |
| e. Navigation; | k. Fish spawning; and |
| f. Industrial process supply; | l. Wildlife habitat. |

20) BASIS FOR 13304 ORDER:

The discharge of pollutants at the Point Molate NFD has caused or threatens to create a condition of pollution or nuisance to waters of the State. California Water Code Section 13304 authorizes the Board to issue Orders requiring a discharger to cleanup and abate waste where the discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.

21) COST RECOVERY:

Pursuant to California Water Code Section 13304, the Discharger is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.

22) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines (at Cal. Code. of Regs., title 14, sec. 15000 et seq.).

This order requires submittal of detailed work plans for Board approval that address cleanup activities at the site. The proposed activities under the work plans are not yet known, but approval of the work plans for implementation may result in significant physical impacts to the environment which must be evaluated under CEQA. The City is the lead agency in approving the transfer and redevelopment of the Point Molate NFD and must evaluate the environmental impacts of the entire project, including proposed specific cleanup activities at the site. Under CEQA, prior to approving any work plan that may have a significant impact on the environment, the Board, as the responsible agency, must consider the environmental document prepared by the City, (14 Cal. Code of Regs. section 15096). It is therefore important that the City's environmental document adequately address the full scope and extent of the potential environmental impacts of the cleanup at the site and require adequate mitigation measures. The Board, as the responsible agency, will provide the required consultation necessary to assist the City in preparing an adequate environmental document.

23) **PUBLIC HEARING:**

The Board has notified the Discharger and interested agencies and persons of its intent under the California Water Code Section 13304 to prescribe Site Cleanup Requirements for the facility and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.

24) The Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the Discharger shall cleanup and abate the effects described in the above findings as follows:

A. **PROHIBITIONS**

1. **DISCHARGE OF WASTE:** The discharge of wastes, non-hazardous or hazardous materials, in a manner which will degrade, or threaten to degrade, water quality or adversely affect, or threaten to adversely affect, the beneficial uses of the waters of the State is prohibited.
2. **POLLUTION MIGRATION:** Migration of pollutants through surface or subsurface transport to waters of the State is prohibited.
3. **POLLUTION MIGRATION CAUSED BY INVESTIGATION AND REMEDIATION:** Activities associated with the cleanup and any subsurface investigation that will cause unacceptable migration of pollutants, are prohibited.
4. **NUISANCE:** The storage, handling, treatment or disposal of soil or groundwater containing pollutants shall not create a nuisance as defined in Section 13050 (m) of the California Water Code.

B. **TASKS & COMPLETION DATES**

TASK 1: ESTABLISH SATURATED ZONE SOIL CLEANUP CRITERIA FOR SITE-3

The Discharger shall propose soil cleanup criteria, acceptable to the Executive Officer, for contaminated soils below the groundwater table. The Cleanup Goals developed by the Navy for the facility describes limits for pollutants below ground surface but above groundwater. The cleanup criteria shall include petroleum hydrocarbons and the decomposition byproducts as well as other chemicals of concern for the Facility.

TASK COMPLETION DATE: March 30, 2009

TASK 2: SOIL & GROUNDWATER MANAGEMENT PLAN

The Discharger shall prepare a Soil & Groundwater Management Plan for the facility, acceptable to the Executive Officer, identifying how soils and effected groundwater will be managed for any phase of cleanup activities at the facility including initial cleanup as well as cleanups related to discoveries during any future development of the site. The plan should propose how soil and groundwater will be sampled and analyzed during all phases of remediation and development, and how test results will be used to protect site workers and future occupants and visitors from potentially remaining known and unknown soil pollutants

at the Facility. The Plan shall describe the protocol to be followed for all sampling, field measurement and analytical techniques, the sequence and methods of any proposed remediation. The Plan shall address equipment and the schedule of activities, proposed measures to limit fugitive emissions from site remediation and trucking activities, general soil removal and backfilling specifications, dewatering and discharge activities during the soil removal process, and proposed groundwater treatment activities to protect surrounding groundwater and surface water resources.

TASK COMPLETION DATE: April 30, 2009

TASK 3a: SITE-3 FINAL FEASIBILITY STUDY, AND REMEDIAL ACTION PLAN

The Discharger shall prepare a Final Feasibility Study, and Remedial Action Plan acceptable to the Executive Office. The Discharger shall propose cleanup criteria for the most stringent land use proposals for the site. The Draft Remedial Action Plan shall also abide by the **Soil Management Plan** and shall include a Health and Safety Plan, Quality Assurance Plan, and provide a work schedule for plan implementation.

TASK COMPLETION DATE: May 30, 2009.

TASK 3b: SITE-4 FINAL FEASIBILITY STUDY, AND REMEDIAL ACTION PLAN

The Discharger shall prepare a Final Feasibility Study and Remedial Action Plan, acceptable to the Executive Officer, for Drum Lots 1 and 2 that proposes final source removal and remediation measures necessary to meet site cleanup goals. The Remedial Action Plan shall also abide by the **Soil Management Plan** and shall include a Health and Safety Plan, Quality Assurance Plan, and provide a work schedule for plan implementation.

The Discharger may combine TASK 3.a and 3.b reports and plans into one document.

TASK COMPLETION DATE: May 30, 2009.

TASK 4: UST MANAGEMENT PLAN

The Discharger shall propose a management plan and schedule, acceptable to the Executive Officer, to close the remaining USTs at the site. Environmental Case Closure has been approved for nine UST cases. Eleven USTs remain open because of elevated concentrations of hydrocarbon associated with the UST. The intent of this UST Management Plan is to determine the extent of contamination and determine if active remediation is needed or to determine if monitored natural attenuation is adequate to achieve cleanup goals in a reasonable time. If any UST will be demolished during any site redevelopment, this plan shall specify that a UST removal action work plan will be prepared for Executive Officer approval prior to demolition.

DRAFT COMPLETION DATE: August 1, 2009.

FINAL COMPLETION DATE: April 30, 2010, or 45 days after receipt of Water Board comments, whichever is later.

TASK 5: UST STATUS REPORT

Quarterly UST status reports shall outline the progress of UST closure activities undertaken on storage tanks that have not yet received closure from the Board. Status reports shall include the results of monitoring and closure activities undertaken during the prior quarter, and proposed activities during the upcoming quarter.

Quarterly beginning 120 days after the Transfer of the Property

TASK 6a: SITE-3 REMEDY COMPLETION REPORT

The Discharger shall prepare a Remedy Completion Report acceptable to the Executive Officer. The Remedial Report shall include Land Use Controls for the site as needed. The report shall identify the volume of soil excavated, describe the specifics regarding the disposal of that material, present all test data generated for the remediation process and how the remediation activities met or did not meet the remediation goals.

TASK COMPLETION DATE: December 15, 2010

TASK 6b: SITE-4 REMEDY COMPLETION REPORT

The Discharger shall prepare a Remedy Completion Report acceptable to the Executive Officer. The Report shall include Land Use Controls for the site as needed. The report shall identify the volume of soil excavated, describe the specifics regarding the disposal of that material, present all test data generated for the remediation process and how the remediation activities met or did not meet the remediation goals. The Discharger may combine TASKS 6.a and 6.b reports and plans into one document.

TASK COMPLETION DATE: December 15, 2010

TASK 7: FINAL LAND USE CONTROLS

Discharger shall submit Final Land Use Controls, acceptable to the Executive Officer, for areas of the site which do not meet unrestricted use standards after an acceptable cleanup has been implemented.

TASK COMPLETION DATE: Due at the time Environmental Closure is Requested by the Discharger

TASK 8: REMEDIATION STATUS REPORTS

The Discharger shall submit a report to the Board 30 days prior to the start of on-site remediation activities, and then on a monthly basis beginning 30 days after the start of the remediation activities, outlining the on-site remediation activities accomplished during the past month and those planned for the following month. The first monthly report at the beginning of each quarter shall include monitoring and test results that have gone through the QA/QC process outlined in the Quality Assurance Project Plan (QAPP), and any conclusions or proposed changes to the remediation process based on those results. If any changes are proposed during any monthly report, applicable supporting monitoring or test data will be submitted at that time.

TASK COMPLETION DATE: monthly beginning 30 days after the start of the remediation activities

TASK 9: DISCOVERIES DURING FACILITY REDEVELOPMENT

After the initial remedies have been implemented as ordered by the above Tasks, and facility redevelopment begins, discoveries of otherwise previously unknown pollution that exceeds the site's Cleanup Goals shall be reported to the Executive Officer within 48 hours of its discovery. A cleanup shall be promptly implemented according to the **Soil & Groundwater Management Plan**. The initial reporting shall be followed up by a Cleanup or Investigations Report submitted to this Board and acceptable to the Executive, documenting cleanup actions and cleanup levels obtained, describing the situation and its status, and any further actions needed for resolution. **TASK 9. COMPLETION DATE: 60 days from initial discovery**

TASK 10: FACILITY-WIDE GROUND WATER MONITORING PLAN

The Discharger shall prepare a Facility-wide Groundwater Monitoring Plan, acceptable to the Executive Officer. The plan must include a groundwater elevation map and groundwater pollutant concentration maps, updated semi-annually, with sufficient detail to determine that Waters of the State are protected. If observations indicate that pollutant concentrations exceed the Facility's Cleanup Goals, or if free-product exists, or the migration of pollutants into surface waters is occurring, the Discharger shall promptly propose a remedy or otherwise manage the risks from that observation. A minimum of four consecutive quarters of monitoring shall be implemented. Monitoring may be modified to semi-annually or annually depending on site conditions and only upon approval of the Executive Officer.

DRAFT COMPLETION DATE: February 1, 2010.

FINAL COMPLETION DATE: April 15, 2010, or 45 days after receipt of RWQCB staff comments, whichever is later.

TASK 11: SITE-1 LANDFILL 5-YEAR REVIEW

The Site-1 Landfill was closed and capped pursuant to a Record of Decision in 2005. The Discharger shall review the Post Closure Maintenance and Monitoring Plan (PCMMP) for this site and submit a **Revised Site-1 Landfill PCMMP**, acceptable to the Executive Officer. The revised PCMMP shall be in compliance with Title 27, Disposal Waste to Land, Water Monitoring and Post Closure Maintenance (Subchapters 3 & 5).

TASK COMPLETION DATE: June 1, 2010

C. GENERAL PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater will not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good Operation and Maintenance (O&M):** The dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the Site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the dischargers shall permit the Board or its authorized representative:

- a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.
 - b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.
5. **Contractor / Consultant Qualifications:** All technical documents shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.
6. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g., temperature).
7. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall also be provided as follows:
 - a. Restoration Advisory Board (or successor advisory board),
 - b. City of Richmond Public Library

The Executive Officer may modify this distribution list as needed.

8. **Reporting of Changed Owner or Operator:** The discharger shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
9. **Compliance Delays:** If the discharger is delayed, interrupted or prevented from meeting one or more of the completion dates specified in this Order, the discharger shall promptly notify the Executive Officer. If, for any reason, the discharger is unable to perform any activity or submit any document within the time required under this Order, the discharger may make a written request for a specified extension of time. The extension request shall include a justification for the delay, and shall be submitted in advance of the date on which the activity is to be performed or the document is due.
10. **Electronic Reporting Format:** In addition to print submittals, all reports submitted pursuant to this Order shall be submitted as electronic files in “pdf” format. The pdf files can be created by converting the original electronic file format (e.g., Microsoft Word) and/or by scanning printed text, figures & tables. The Water Board has implemented a document imaging system, which is ultimately intended to reduce the need for printed report storage space and streamline the public file review process. Documents in the imaging system may be viewed, and print copies made, by the public, during file reviews conducted at the Water Board’s office. Upon request by Water Board staff, monitoring

results, including water level measurements, sample analytical results, coordinates, elevations, etc., shall be provided electronically in Microsoft Excel® or similar spreadsheet format. This format facilitates data computations and/or plotting that Water Board staff may undertake during their review. Data tables submitted in electronic spreadsheet format will not be included in the case file for the public. All electronic files, whether in pdf or spreadsheet format, shall be submitted via the Water Board's file transfer protocol (FTP) site, email (only if the file size is less than 3 MB) or on CD. CD submittals may be included with the print report. Email notification should be provided to Water Board staff whenever a file is uploaded to the Water Board's FTP site.

11. **Reporting of Hazardous Substance Release:** If, on or after the effective date of this Order, any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the dischargers shall report such discharge to the Board by calling (510) 622-2369 during regular office hours (Monday through Friday, 8:00 to 5:00).
 - a. A written report shall be filed with the Board within five working days. The report will describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.
 - b. This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.
12. **Periodic CAO Review:** The Board will review this Order periodically and may revise it when necessary. The dischargers may individually or jointly request revisions, and upon review, the Executive Officer may recommend that the Board revise these requirements.
13. **Responsible Discharger:** Within 60 days after being notified by the Executive Officer that any one named Discharger has failed to comply with this order, the remaining Dischargers shall be responsible to comply with this Order. The subsequent responsibility for compliance is as determined in Finding 5 of this Order.
14. **Rescission of Existing Orders:** This Order supersedes and rescinds Order Nos. 95-235, 97-124 and No. 97-125.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on Month DD, 2008.

Bruce H. Wolfe
Executive Officer

Date

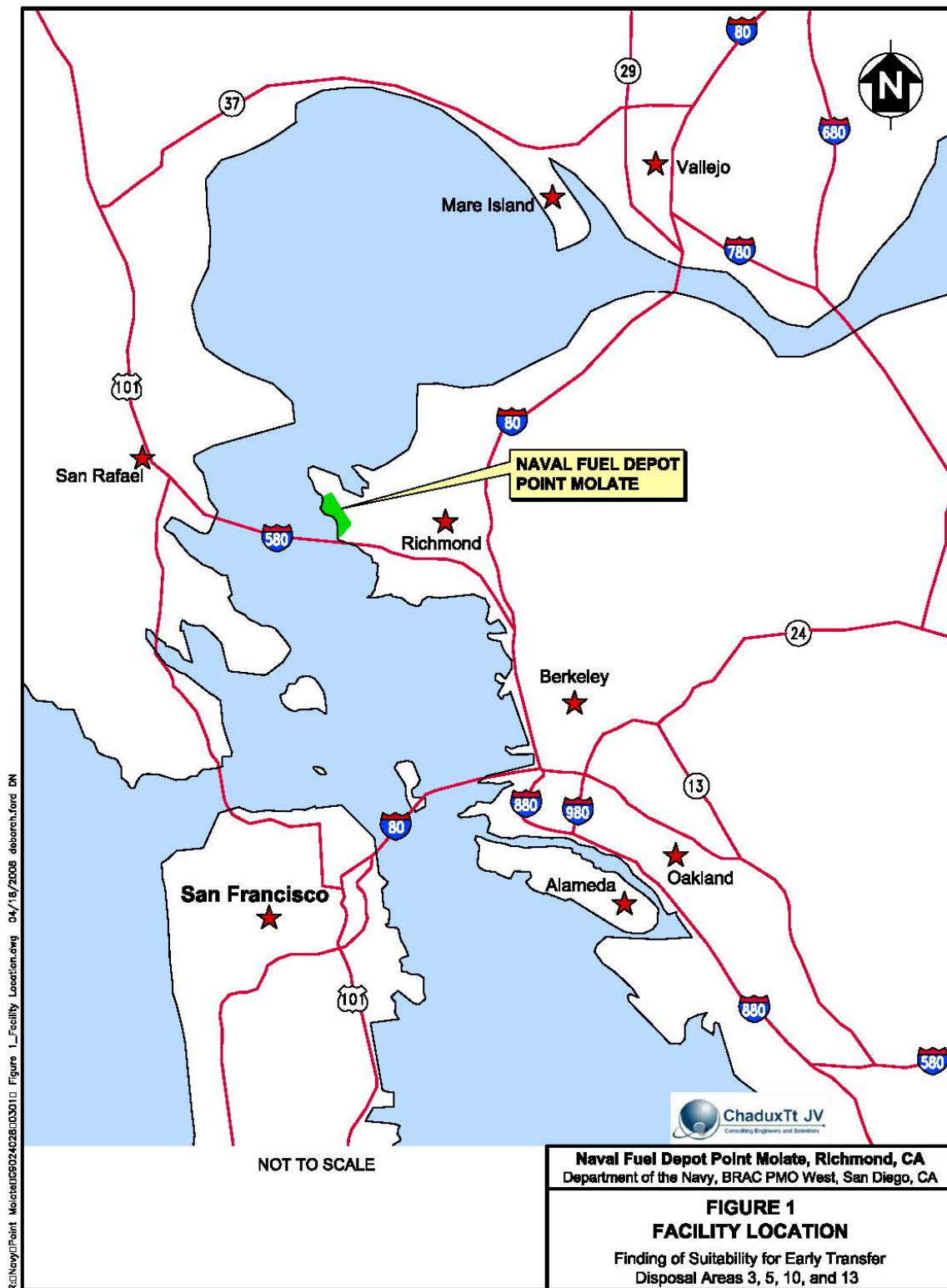
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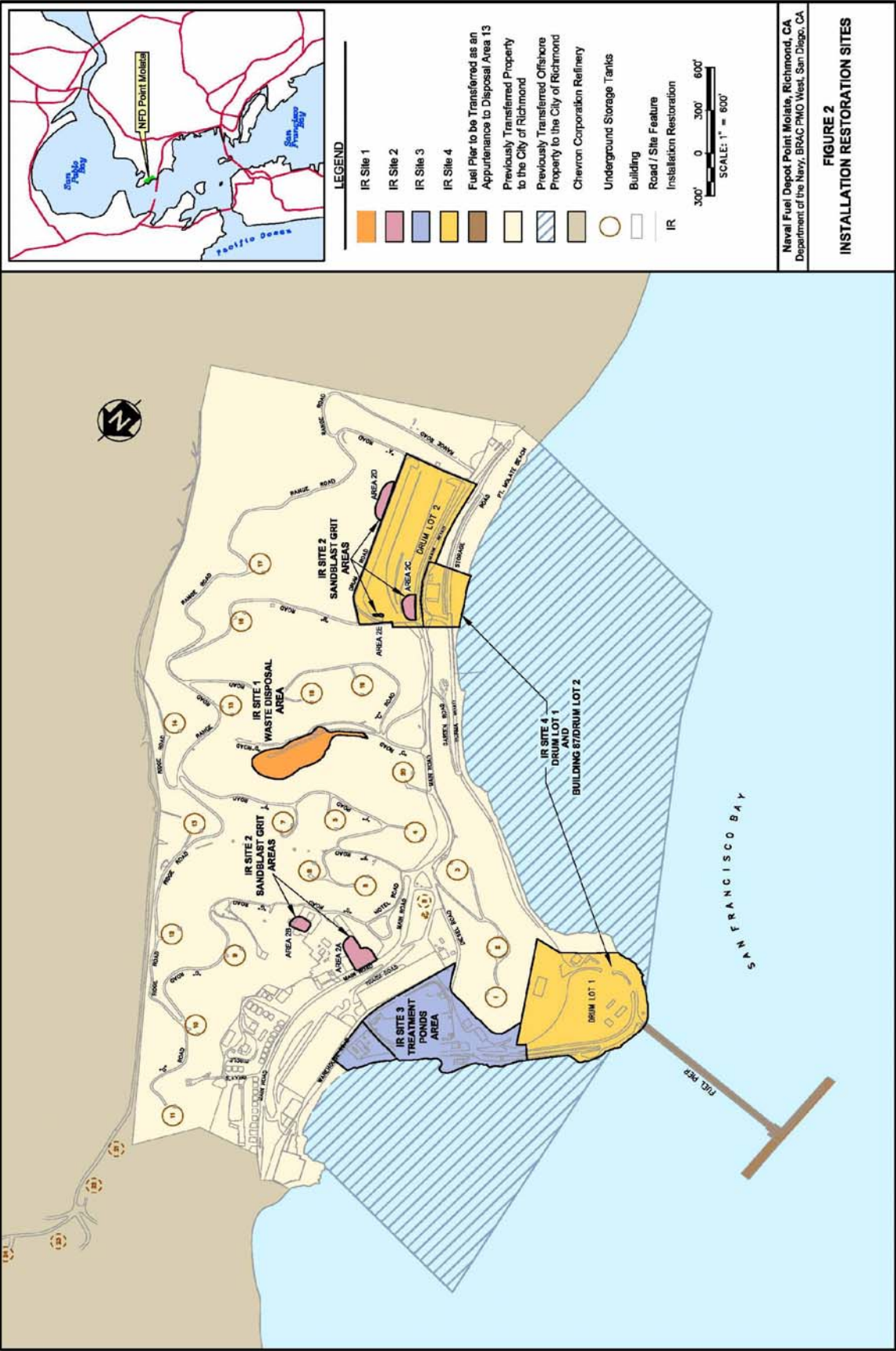
FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO
ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL
LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY
GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments:

- Figure 1: Location/Facility Map
Figure 2: Areas of Concern/Facility Map





Naval Fuel Depot Point Molate, Richmond, CA
Department of the Navy, BRAC FMO West, San Diego, CA

FIGURE 2

INSTALLATION RESTORATION SITES